IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION No: 20452 of 2004

Between:

Dr.Nimmakuri Prasad Rao, s/o Srinivasulu,
Government Hospital for Mental Care, Visakhapatnam, Visakhapatnam District.

..... PETITIONER

AND

1 The Director of Medical Education, Govt., of A.P., Hyderabad.
2 The Superintendent, King George Hospital, Visakhapatnam.
3 Dr.B.Bangaraiah, Govt.Hospital for Mental Care, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of certiorari calling for the records relating to impugned proceedings No.18951/E11E/04 dated 28-7-2004 issued by the first respondent, proceedings No.3561/GE/2004, dt.29-7-2004 issued by the second respondent, and the order dated 17-9-2004 of the A.P. Administrative Tribunal, in O.A.No.5302/2004, and quash the same as illegal, arbitrary, without any application of mind and violation of Articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.C.SRINIVASA BABA

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

ORAL ORDER: (BY GB,J.)

The Writ Petition is filed challenging the order, dated 17.9.2004 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.5302 of 2004.

2. The petitioner challenged the order of transfer, dated 28.7.2004 transferring him from King George Hospital, Visakhapatanam to Government Mental Hospital, Visakhapatanam. The tribunal having found the order as only administrative in nature and that it was not issued as a punitive measures, dismissed the O.A. filed by the petitioner. Against the said order, the present Writ Petition has been filed.

3. Having heard the learned counsel for the petitioner, we are not persuaded to admit the Writ Petition. However, the learned counsel makes out a point that he has already made a representation on 4-8-2004 to the second respondent stating that he is not a Psychiatrist doctor and that he will not be able to discharge his duties effectively in a Mental Hospital. But it is for the authorities to consider and not for this Court. Under those circumstances, the Writ Petition is dismissed with an observation that the representation of the petitioner dated 4-8-2004 shall be considered and disposed of expeditiously.

4. Accordingly, the Writ Petition is dismissed. No costs.

_____

(G. BIKSHAPATHY, J.)

_____

(CH.S.R.K. PRASAD, J.)

Date: 17-11-2004

ES/KSN

To

1. The Registrar, A.P. Administrative Tribunal, Hyderabad.

2. The Director of Medical Education, Govt., of A.P., Hyderabad.
3. The Superintendent, King George Hospital, Visakhapatnam.
4. 2 CCs to the G.P. for Services II, High Court of A.P., Hyderabad (OUT).

5. 2 CD copies.